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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,221	10/23/2003	Yun Lin	MS306621.1/MSFTP528US	8234
27195 7590 12/17/2007 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER NAWAZ, ASAD M	
			ART UNIT 2155	PAPER NUMBER
			NOTIFICATION DATE 12/17/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/692,221

Applicant(s)

LIN ET AL.

Examiner

Asad M. Nawaz

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to the amendment filed 10/02/07. Claims 1-12, 14-18, 20, 22-23 and 42-44 have been amended. No other claims have been amended, added, or canceled. Accordingly claims 1-44 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 42-44 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1 - 20 are directed to Nonfunctional Descriptive Material that does not constitute a statutory process, machine, manufacture or composition of matter and hence rejected under 35 U.S.C. 101.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pardikar et al (USPGPUB 2004/0236777) hereinafter referred to as Pardikar further in view of Mastors et al (USPN 5,826,021).

As to claim 1 Pardikar teaches a remote file system that promotes truth on a client, comprising: one or more client computers that operatively communicate with an online remote location to work on one or more file objects; (0013)

a caching component that selectively caches the one or more file objects to a local cache located on a respective client computer, thereby making it available to the client when disconnected from remote location; (Fig 6, 0004, 0018)

and a component that resolves conflicts between a client version of the one or file objects and a remote location version of the one or more file objects such that the client version overrides the remote location version when viewed on the client wherein modifications by the client while disconnected from the remote location are stored to the client's memory and the automatically uploaded to the remote location when the client regains connection to the remote location (0004).

However, Pardikar does not explicitly indicate wherein transition online to the remote location is initiated by the caching component which periodically scans offline paths and then initiates an online transition when a path becomes reachable.

Mastors et al teach wherein transition online to the remote location is initiated by the caching component which periodically scans offline paths and then initiates an online transition when a path becomes reachable (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Mastors et al into those of Pardikar to allow clients to send servers information after one or more prior connections were disconnected or offline.

As to claim 2 Pardikar teaches the system of claim 1, the component that resolves conflicts is based at least in part upon user preferences (0022).

As to claim 3 Pardikar teaches the system of claim 1, the component that resolves conflicts is based on a prioritization policy comprising an order of updating the file object (0022).

As to claim 4 Pardikar teaches the system of claim 1, the caching component pushes modifications made to the file object back to the remote location to update the remote location version on a periodic basis (0004).

As to claim 5 Pardikar teaches the system of claim 4, the periodic basis selected to maximize bandwidth usage and to mitigate potential data loss with respect to the client computer (0031).

As to claim 6 Pardikar teaches the system of claim 1, the conflicts resulting from more than one client modifying the file object (0004).

As to claim 7 Pardikar teaches the system of claim 1, the caching component writes a modified file object back to the remote location (abstract).

As to claim 8 Pardikar teaches the system of claim 1, the caching component caches modified data and writes back to the remote location at one of the following events: at least before a corresponding handle closes; and the remote location revokes write buffering (0022, 0032).

As to claim 9 Pardikar teaches the system of claim 1, the caching component updates respective local caches when the file object is modified at the remote location while the respective client computers were disconnected from the remote location if local caches have not been updated while offline (0020-0023).

As to claim 10 Pardikar teaches the system of claim 1, the caching component flushes out stale data from local caches based at least in part upon at least one of the following: comparison of file signatures; and comparison of file properties (0022).

As to claim 11 Pardikar teaches the system of claim 10, the file properties comprising time stamp, file size, and revision count (0022).

As to claim 12 Pardikar teaches the system of claim 1, the caching component trims the respective local caches based at least in part upon user preferences (0022).

As to claim 13 Pardikar teaches the system of claim 1, further comprising a viewing component that allows a merged directory view, the merged directory view comprising current files not in conflict, current files in conflict between the remote

location and the client computer, and files that are newly generated on one of the client and remote location (0023-0025).

As to claim 14 Pardikar teaches the system of claim 13, the viewing component facilitates a merged directory view when the client and remote location become connected once again to visualize changes made to file objects on the client and on the remote location during an offline period (abstract, 0004).

As to claim 15 Pardikar teaches the system of claim 13, the newly generated files are not present on the client cache but are viewable by the client before the client cache is updated (0022-0025, 0029-0033).

As to claim 16 Pardikar teaches the system of claim 13, the viewing component employs one or more visual or graphical enhancements to facilitate visualization of online conflicted files, offline conflicted files and overlays of files (0022-0025, 0029-0033).

As to claim 17 Pardikar teaches the system of claim 16, overlays of files refers to overlaying client version of the file object over the remote location version of the file object to facilitate visualizing one or more changes made to the file object by at least one of the remote location and the client (0022-0025, 0029-0033).

As to claim 18 Pardikar teaches the system of claim 1, the caching component silently pushes file objects added by the client to the remote location (0022-0025, 0029-0033).

As to claim 19 Pardikar teaches the system of claim 1, further comprising a synchronization component that background synchronizes namespaces not in conflict between the client and the remote location (0021).

As to claim 20 Pardikar teaches the system of claim 1, the caching component triggers a corresponding directory change notification request whose physical share connection state has changed, to facilitate effectively enumerating any affected directory (0022-0025, 0029-0033).

As to claim 21 Pardikar teaches the system of claim 1, wherein creation of a new directory on a client is always satisfied (0023).

As to claim 22 Pardikar teaches the system of claim 1, the remote location comprises one or more servers (0013).

Claims 23-44 present no further limitations above claims 1-22 and are thus rejected under similar rationale.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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AMN



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SUPERVISORY PATENT EXAMINER